

FACT SHEET

Proposed Renewal of a
Hazardous Waste Management Facility Operating License

The Pharmacia & Upjohn Company, LLC
Hazardous Waste Container Storage Facility
Portage, Michigan

MID 000 820 381

August 2012



Michigan Department of Environmental Quality
Resource Management Division

BASIS FOR PROPOSED RENEWAL OF HAZARDOUS WASTE MANAGEMENT FACILITY OPERATING LICENSE ISSUANCE

The Department of Environmental Quality (DEQ), Resource Management Division (RMD), proposes to issue a hazardous waste management facility renewal operating license (License) to the Pharmacia & Upjohn Company, LLC (P&U) for the continued operation of their hazardous waste container storage facility in Portage, Michigan pursuant to Part 111, Hazardous Waste Management, of Michigan's Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451).

The provisions of R 299.9502 and R 299.9510 of the Michigan Administrative Code (MAC) require the DEQ to issue a License to a hazardous waste facility. Based on the review of the P&U License renewal application, site inspections, and audits, DEQ staff has proposed the renewal License be issued based on the following conclusions:

- A. The facility has been maintained in accordance with approved plans and applicable rules. Section II of this Fact Sheet describes the facility site, design, its prior licensing and the DEQ audit activities.
- B. The issuance of the License will minimize the potential for this facility to present a hazard to human health or the environment during operation.
- C. The application submitted by P&U is sufficiently detailed to demonstrate that the facility complies with the applicable technical standards. In addition to the standard and general facility operating conditions contained in all operating licenses, the draft license contains conditions specific to P & U's container storage activities. A summary and explanation of these conditions is included in Section II.C. of this Fact Sheet. The portions of the license application that describe, in detail, how the company will comply with certain regulations have been attached to the draft License as enforceable documents. Such attachments include the Inspection Schedule, Personnel Training Program, Contingency Plan, Closure Plan, and Preventative Procedures.

Although the DEQ believes it has done a thorough job of reviewing the company's application for the License, the agency is seeking public input on the issuance of this draft License. Section IV of this Fact Sheet describes the public participation process.

I. INTRODUCTION

Part 111 of Act 451 was passed by the Michigan Legislature to regulate the management of hazardous waste from generation to disposal. Likewise, Subtitle C of the Solid Waste Disposal Act, as amended, 42 USC 6901, et. seq. (commonly known as the Resource Conservation and Recovery Act of 1976 [RCRA]), was passed by the United States Congress to regulate hazardous waste nationwide. The RCRA was amended substantially by the Hazardous and Solid Waste Amendments of 1984 (HSWA).

Both RCRA and Part 111 of Act 451 established a permit system governing the treatment, storage, and disposal of hazardous wastes. The RCRA allows the states to obtain authorization to issue a state hazardous waste operating license in lieu of a

federal permit. Effective December 27, 1985, Michigan amended its hazardous waste management administrative rules to be equivalent to those under the RCRA and applied to U.S. Environmental Protection Agency for authorization. In October 1986, Michigan was granted authorization to administer all portions of the RCRA Program except some provisions under HSWA. Since that time Michigan has continued to amend its hazardous waste management administrative rules and is currently authorized to administer all portions of the RCRA program applicable to this License.

II. DESCRIPTION OF THE FACILITY

A. Site Description

P&U manufactures a variety of pharmaceutical products at this facility. As a result of the production activities, hazardous waste is generated and managed on-site in their container storage facility. In addition to the on-site generated waste, P&U accepts and manages wastes generated at other P&U locations. The facilities are located within their 500-acre site located at 7171 Portage Road in Kalamazoo, Michigan.

B. Facility Design and Prior Licensing

Currently, the hazardous waste container storage facility is operated under a Part 111 License that was issued on March 30, 2001. That License expired on March 30, 2011. P&U submitted a timely renewal application, which has allowed them to continue to operate until a final decision is made on their application. The existing License authorized the facility for the storage of hazardous waste in containers in three locations, storage of hazardous waste in tanks at two locations, and the incineration of hazardous waste. Since the issuance of that License, all of the hazardous waste storage and incineration areas have been closed and certified except for the Building 388 container storage area which continues to operate. The unloading and storage activities at Building 388 are totally enclosed within the building.

The hazardous waste managed at this facility consists primarily of spent solvents, expired or off-specification raw material, returned goods, process filter cakes, and laboratory chemicals.

C. Facility-Specific Draft License Conditions

1. Conditions for storage in containers. Condition III.B. specifies the type and volume of waste that can be stored in containers as follows:

Building 388 – no more than 15,400 gallons in a maximum of 280, 55-gallon containers;

2. Environmental Monitoring Conditions. Condition IV.A. requires the licensee to conduct a groundwater monitoring program to monitor the effectiveness of the existing contaminated groundwater containment system. (Attachment 9 of the draft License).

3. Corrective Action Conditions. Condition V.C. identifies waste management units (WMUs) at the facility that have already been evaluated and require no further action at this time. This condition also requires the licensee to notify the RMD of new WMUs or new releases from existing WMUs and conduct corrective actions as specified in the draft License.

III. ENVIRONMENTAL IMPACT

A. Wastes Stored in Containers

P&U has stored both characteristic and listed hazardous wastes as well as nonhazardous wastes in this container storage area. The hazardous wastes are primarily solvents containing volatile organic compounds, corrosive wastes (acidic and caustic), and reactive waste (reacts violently with water). All loading and unloading activities take place within Building 388 within secondary containment, and as a result groundwater, soil, and air monitoring of the activity at Building 388 is not required by this draft License.

B. Groundwater Monitoring

P&U conducts a groundwater monitoring program to evaluate the on-site containment of hazardous constituents that have been detected in the groundwater from previous operations at the manufacturing facility. As part of their manufacturing, P&U pumps a significant amount of water from wells on the site and creates an inward gradient that prevents the groundwater from migrating off-site. The draft License includes a corrective action groundwater monitoring program to detect any new contamination and to evaluate the effectiveness of the on-site containment.

IV. PUBLIC PARTICIPATION

A. Public Comment Procedures

The purpose of public participation is to ensure that the interested public has knowledge of the DEQ proposed action and that it has the opportunity to comment on that action. In addition, the process ensures that the DEQ has the opportunity to benefit from any information the public might have relevant to the proposed action. Comments may be submitted in writing to the address listed in Subsection C between August 14, 2012 and September 27, 2012.

Written comments should include the name and address of the writer, a concise statement of the basis for the comments, and the supporting relevant facts upon which the comments are based. Written comments must be postmarked no later than September 27, 2012. All further requests for information, including requests for copies of the draft License and the Fact Sheet should be made to the address, below.

After the close of the public comment period, the DEQ will decide whether or not to issue the final License. Written comments submitted during the public

comment period will be considered by the Director of the DEQ in the formulation of the final decision. Responses to written comments and statements will be included in the administrative record supporting the final decision. The final License decision made by the DEQ will be communicated to the applicant, each person who submitted a written comment during the public comment period, and all persons on the facility mailing list.

B. Locations of Available Information

The administrative record for the draft License is on file and available for review at the DEQ, RMD, located at Constitution Hall, Atrium North, 525 West Allegan Street, Lansing, Michigan 48933 (contact Mr. Peter Quackenbush at 517-373-7397 or quackenbushp@michigan.gov); at the DEQ, Kalamazoo District Office located at 7953 Adobe Road, Kalamazoo, Michigan (contact Ms. Nadine Deak at 269-567-3592); and at the Portage Public Library, located at 300 Library Lane in Portage, Michigan (contact Ms. Nicolette Sosulski at 269-329-4542, Ext. 714).

C. Contact Person

Comments and requests regarding the draft License should be addressed to:

Mr. Peter Quackenbush
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DEQ
P.O. Box 30241
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